

AMENDED IN SENATE AUGUST 25, 2003

AMENDED IN SENATE JULY 14, 2003

AMENDED IN SENATE JULY 2, 2003

AMENDED IN SENATE JUNE 19, 2003

AMENDED IN ASSEMBLY MAY 15, 2003

AMENDED IN ASSEMBLY MAY 5, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1541

**Introduced by Assembly Member Montanez
(Coauthor: Assembly Member Firebaugh)**

February 21, 2003

An act to ~~amend Section 13385 of~~ *add Section 13385.1 to* the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1541, as amended, Montanez. Waste discharge requirements: penalties.

Existing law, the Porter-Cologne Water Quality Control Act, *with certain exceptions*, requires the imposition of a mandatory minimum penalty in the amount of \$3,000 for certain violations of waste discharge requirements, including for each serious violation, as defined, and, under certain circumstances, for a violation of a waste discharge requirement effluent limitation, a failure to file a waste discharge report, or a violation of a toxicity ~~effluent~~ *discharge* limitation. The act requires funds collected pursuant to the imposition of these penalties to

be deposited in the State Water Pollution Cleanup and Abatement Account.

This bill would classify a failure to file a required discharge monitoring report for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with effluent limitations contained in waste discharge requirements, as a “serious violation” for the purposes of these provisions and, *subject to certain exceptions*, would make that serious violation subject to a penalty of \$3,000 for each 30-day period a report is not submitted as required. The bill would require the penalties imposed for a failure to file one or more of these reports to be deposited in the Waste Discharge Permit Fund for expenditure by the state board, upon appropriation by the Legislature, to assist regional boards, and other public agencies with authority to clean up water or abate the effects of the waste, in responding to significant water pollution problems. The bill would define “effluent limitations” for ~~those~~ *certain* purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 13385 of the Water Code is amended to~~
2 *SECTION 1. Section 13385.1 is added to the Water Code, to*
3 *read:*
4 *13385.1. (a) (1) For the purposes of subdivision (h) of*
5 *Section 13385, a “serious violation” also means a failure to file*
6 *a discharge monitoring report required pursuant to Section 13383*
7 *for each complete period of 30 days following the deadline for*
8 *submitting the report, if the report is designed to ensure*
9 *compliance with limitations contained in waste discharge*
10 *requirements that contain effluent limitations.*
11 *(2) Paragraph (1) applies only to violations that occur on or*
12 *after January 1, 2004.*
13 *(b) (1) Notwithstanding any other provision of law, moneys*
14 *collected pursuant to Section 13385 for a failure to timely file a*
15 *report, as described in subdivision (a), shall be deposited in the*
16 *Waste Discharge Permit Fund and separately accounted for in that*
17 *fund.*



1 (2) *The funds described in paragraph (1) shall be expended by*
2 *the state board, upon appropriation by the Legislature, to assist*
3 *regional boards, and other public agencies with authority to clean*
4 *up water or abate the effects of the waste, in responding to*
5 *significant water pollution problems.*

6 (c) *For the purposes of subdivision (a), paragraph (2) of*
7 *subdivision (f) of Section 13385, and subdivisions (h), (i), and (j)*
8 *of Section 13385 only, “effluent limitation” means a numeric or*
9 *numerically expressed narrative restriction on the quantity,*
10 *discharge rate, concentration, or toxicity units of a pollutant or*
11 *pollutants authorized to be discharged from a location that is*
12 *specified in waste discharge requirements. An effluent limitation*
13 *may be final or interim, and may be expressed as a prohibition. An*
14 *effluent limitation, for those purposes, does not include a receiving*
15 *water limitation, a compliance schedule, or a best management*
16 *practice.*

17
18
19
20
21
22
23

<p>All matter omitted in this version of the bill appears in the bill as amended in the Senate, July 14, 2003 (JR 11)</p>
--

